

**MINUTES OF SPECIAL HIGHWAYS AND  
TRANSPORTATION COMMISSION MEETING HELD BY  
FAX BALLOT ON FRIDAY, AUGUST 20, 2004**

A special meeting of the Missouri Highways and Transportation Commission was held by fax ballot on Friday, August 20, 2004, in order to take action on Call 801 from the July 16, 2004, Bid Opening. Action on this call was deferred at the August 13, 2004, Commission meeting pending receipt of more information from the Federal Highway Administration. Each member of the Commission (Chairman Bill McKenna, Vice Chair Marjorie B. Schramm, Commissioner James B. Anderson, Commissioner Duane S. Michie, Commissioner Wallace S. Hartsfield, and Commissioner Larry D. Webber) submitted ballots.

The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was given in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

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*"Department" or "MoDOT" herein refers to Missouri Department of Transportation.  
"Commission" or "MHTC" herein refers to Missouri Highways and Transportation  
Commission.*

**CONSIDERATION OF BIDS ON FEDERAL-AID AND STATE PROJECTS  
July 16, 2004, Bid Opening**

On behalf of the Interim Director, Diane Heckemeyer, State Design Engineer, submitted a letter dated August 20, 2004, to all members of the Commission recommending the bid of APAC-Missouri, Inc., on the following call in the bid opening of July 16, 2004, be declared non-responsive because (1) APAC-Missouri, Inc., has been indicted for violation of the antitrust laws of the United States in obtaining award of a Commission contract; (2) FHWA–Missouri Division has recommended to the FHWA Debarring/Suspending Official that APAC-Missouri, Inc., be suspended under the provisions of 49CFR, Part 29; and (3) the initiation of the disqualification from bidding/eligibility process and temporary suspension of APAC-Missouri, Inc., based upon the pendency of that process under state law, 7 CSR 10-18. In addition, the staff recommend all remaining bids on Call 801 be rejected because they were considered excessive.

<u>Call</u>	<u>Route</u>	<u>County</u>	<u>Project</u>
801	65	Taney	J8P0609E

**Commission Action.**

Via fax ballot on file with the Secretary to the Commission, the Commission unanimously declared as “non-responsible” the bid of APAC-Missouri, Inc., on Call 801 and rejected all other bids on Call 801 due to being excessive.

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